

Mich., Inc. v. Miller, 21 F. Supp.2d 740 (E.D. Mich. 1998)(same); Right to Life of Dutchess County, Inc. v. FEC, 6 F. Supp.2d 248 (S.D. N.Y. 1998); Clifton v. FEC, 927 F. Supp. 493, 496 (D. Me. 1996), *aff'd* on other grounds, 114 F.3d 1309 (1st Cir. 1997); West Virginians for Life, Inc. v. Smith, 919 F. Supp. 954, 959 (S.D. W. Va. 1996); FEC v. Christian Action Network, 894 F. Supp. 946, 958 (W.D. Va. 1995), *aff'd* per curiam, 92 F.3d 1178 (4th Cir. 1996); FEC v. Survival Educ. Fund Inc., 1994 WL 9658, at \*3 (S.D. N.Y. Jan. 12, 1994), *aff'd* in part and *rec'd.* in part on other grounds, 65 F.3d 285 (2d Cir. 1995); FEC v. Colorado Republican Fed. Campaign Comm., 839 F. Supp. 1448, 1456 (D. Colo. 1993), *rec'd.*, 59 F.3d 1015 (10th Cir. 1995), vacated and remanded on other grounds, 116 S. Ct. 2309 (1996); FEC v. NOW, 713 F. Supp. 428 (D. D.C. 1989); FEC v. AFSCME, 471 F. Supp. 315, 317 (D. D.C. 1979); Elections Bd. of State of Wis. v. Wisconsin Mfrs. & Commerce, 597 N.W.2d 721, 731 (Wis. 1999).

## AMENDMENT NO. 171

Mr. DOMENICI. Mr. President, I ask unanimous consent that a series of technical amendments to S. 27, which are at the desk, be agreed to and the motion to reconsider be laid upon the table. These technical changes have been agreed to by the chairman and ranking member of the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 171) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DAYTON. Mr. President, I spent the past three days with a number of my colleagues on a fact-finding trip to the Arctic National Wildlife Refuge. I took this trip to help prepare myself for one of the most important environmental and energy issues before us: whether or not to permit drilling for oil in the 1002 Area of ANWR. I wish to thank my distinguished colleague, Senator MURKOWSKI, for arranging and hosting our tour.

This trip was reportedly scheduled several weeks ago in consultation with the Majority Leader, who at that time did not expect the trip to conflict with votes in the Senate. Unfortunately, two votes did occur last Friday on amendments to S. 27, the campaign finance bill, and I was not present for them. Last Thursday evening, after reviewing the nature of these two amendments, I was advised by Democratic leaders to keep my commitment to undertake the trip.

Had I not been necessarily absent last Friday, I would have cast my vote in support of the Reed Amendment Number 164, as modified, because it would improve the ability of the Federal Election Commission to enforce the law. I would also have voted in favor of the McCain Amendment Number 165, because it would make more workable the bill's restrictions on the coordination of independent expenditures. Both of these amendments would

have strengthened the underlying bill, which I strongly support.

# CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001—2011—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to H. Con. Res. 83, the House budget resolution, and my motion to proceed be limited to 10 minutes—5 minutes under the control of Senator CONRAD and 5 minutes under the control of Senator DOMENICI—and, following that debate, the Senate proceed to the adoption of the motion and that the motion to reconsider then be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of this agreement, then, Mr. President, there will be no further votes today. However, votes will occur throughout the day and into the evening tomorrow and probably Wednesday and Thursday also.

I thank my colleagues for helping work out this agreement.

I yield the floor.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of the ranking member of the Budget Committee, Senator KENT CONRAD. What we have agreed to in the unanimous consent is that he and I will each speak for 5 minutes, after which we will adopt the House-passed budget resolution, after which the Senator from New Mexico will send a substitute to the desk which will be the Bush-Domenici amendment. We will get that much done tonight.

For Senators who might want to speak, we should be there rather quickly, do what I have just described, and we will be here if Senators want to come down and speak. I understand there is at least one Senator on our side who would like to make a speech tonight, and we have talked with Senator CONRAD, if there are any on his side who would like to speak.

It looks as though the magic hour tonight is certainly somewhere around 9 o'clock because it seems like it would be very uncomfortable after 9 o'clock for Senators to be around here, and we will not be doing any voting until tomorrow. So that looks like a nice time to shoot for, as far as how much time we will use. I will certainly save for tomorrow a more detailed analysis of why we are here.

I will say tonight that it is very important to most Republicans—I think I speak for almost every Republican Senator; I am not overstating the case, almost every Republican Senator—that this President, George W. Bush, deserves to have his budget and his tax plan considered by the Senate. That is what the arguments have been about thus far. Should he have a chance? What I am saying tonight is, yes, he should and, yes, I am grateful now that, after a lot of back and forth, the other side of the aisle has agreed that we can call up the budget that we heretofore talked about, the Bush-Domenici budget.

Everyone should know that budget has a couple of things different than the one I proposed maybe a week ago. Those things are that the reconciliation instruction on the taxes is not in the budget resolution. The reason for that is simple and does not require much finger pointing or much time.

Essentially, it was determined, parliamentary-wise, that would not work, putting the reconciliation instruction on a budget resolution at this time. We intend to offer it at a later time in an up-or-down vote on the floor of the Senate, and I am certain that while some might want to delay that—I haven't heard that from my friend, Senator KENT CONRAD—we will have that vote. We are hopeful by then we will have 51 votes for that, and we will be back where we were originally. It will be in our budget resolution as it goes on its way to the House for conference.

Having said that, in the few minutes I have, I will say that the President of the United States and a very brand new staff, who did not have very much time, put together a rather good budget, which the Senator from New Mexico has looked at—at least the profile of it, the plan for it. I have looked at that, and I have modeled the budget after that.

Let me tick off what our new President wanted us to do that we are going to try to do in the next few days: One, save Social Security; two, save Medicare; three, provide, in the opinion of the President, adequate defense until and unless he gets his top-down review; and to provide new and increased spending for education. And he did that, and we proposed that within the discretionary funding in this budget resolution.

In addition, the President of the United States proposed that we should have a major tax bill. Frankly, in due course, the tax-writing committee will work their will. This is not a Senator putting something off; it is just stating the facts and the law. In a budget resolution, you just use dollar numbers. So you tell the Finance Committee where they have latitude to cut taxes. They will determine how, what kind, and we will be saying in this budget resolution

you have permission to do up to \$1.6 trillion over a decade.

Before we are finished—since some of my friends have gone on television and talked about how big this \$1.6 trillion is—I want to use a whole series of numbers as to what that looks like over 10 years to eventually convince people that it is not a very big number—whether you consider the total gross domestic product, total tax take—whatever you want to look at—it is a pretty modest number. The President would like us to consider that. We want to give him the right to consider that in this budget resolution.

My last comments have to do with what else is in this budget of a high priority and a big substance; that is, we reduce the national debt by \$2 trillion over the decade. We think that is the right amount. We think that is a fair amount. We also think, considering the size of the surpluses, that probably is what we ought to do. We prescribe that in this budget resolution.

I have given a summary tonight, as brief as it was. We will ultimately talk about more detail. We have done this budget with this kind of spending in it. The President has a 4-percent increase, year upon year, over the last year's budget for discretionary spending. In my opinion, that is a pretty good amount.

Mr. President, we won't adopt the House measure. We will make it pending, after which we will offer a substitute. I note that the Parliamentarian was nodding his head.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair and I thank the Senator from New Mexico. I thank all of my colleagues who have worked hard to bring us to this position today.

However, we don't believe we ought to be on the budget resolution tonight. We don't believe we ought to be on the budget resolution because we don't have a budget from the President. Not only do we not have a budget from the President, because he has not even provided sufficient detail for the Joint Committee on Taxation or the Congressional Budget Office to give us an independent review of what his tax proposal costs, but we believe we should have waited until that analysis was available.

Third, there has been no markup in the Budget Committee. Always before, with one exception, we have had a markup in the Budget Committee. And always we have at least tried in the Budget Committee to mark up a budget resolution for our colleagues on the floor. This year, there was not even an attempt.

Fourth, there will be an attempt in the budget resolution to use reconciliation for a \$1.6 trillion tax cut, which

we believe threatens the constitutional role of the Senate.

Now "reconciliation" is a word that I am certain many of our listeners really have no idea of its meaning. I must confess I didn't fully understand reconciliation until a detailed review of that process. What it provides is that the typical operation of the Senate was to provide a "cooling saucer" in our constitutional construct, so that the House of Representatives reacted immediately and responded to the will of the people at the moment. The Senate was designed to be the cooling saucer, where calmer and cooler reflection could permit a further analysis, unlimited debate, with every Senator having the right to amend. Those are the fundamental constructs of this institution. All of that is short-circuited under reconciliation. All of that is out the window, and the Senate becomes a second House of Representatives.

We believe the Bush budget puts this country in the hole because if you start with the projected surplus of \$5.6 trillion and subtract out the trust funds of Medicare and Social Security, that leaves you with an available surplus of \$2.5 trillion. When we look at the cost of the Bush tax cut as partially reestimated, and the alternative minimum tax that will have to be reformed because of the Bush tax cut, which costs another \$300 billion, and the associated interest costs of \$500 billion, and the spending proposals in this budget of \$200 billion, you have a total cost of the Bush plan at \$2.7 trillion. That tells us this President's plan puts us right into the trust fund and puts us in the hole by \$200 billion.

On our side, we will offer an alternative that does the following:

We will protect the Social Security and Medicare trust funds in every year. We will pay down the maximum amount of the publicly held debt. We will provide for an immediate fiscal stimulus of \$60 billion.

I might add, that is what we think we should be doing this week. We think we should be passing on the floor of the Senate an immediate fiscal stimulus. That is what we think should be done.

Fourth, we will provide significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform.

Finally, we will reserve resources for the high priority domestic needs, including improving education, a prescription drug benefit, strengthening our national defense, and funding agriculture.

Finally, we will provide \$750 billion to strengthen Social Security and address our long-term debt.

So this is a fundamental debate about the economic future of our country. We look forward to it on our side. We look forward to a healthy and vigorous and polite debate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed is agreed to.

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) establishing the congressional budget of the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

#### AMENDMENT NO. 170

(Purpose: In the nature of a substitute)

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 170.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, we have an agreement and understanding that there will be no amendments offered tonight. Incidentally, for those who wonder what that amendment I sent to the desk is, that amendment is the budget I submitted on Thursday of last week to the other side of the aisle. When my friend got it—maybe he got it the next day. It was there for circulation. It is the same budget.

Senator GRAMM from Texas asked if he could speak tonight. I want it to go out to his office and others that we would like for him to come down. I do not intend to speak until 9 o'clock, considering however long my friend wants to speak. That would be an awful long time for each of us to listen to ourselves, although we both probably have a lot to say. It probably would be fun to listen.

I yield myself, for purposes of making sure we keep ourselves under control, 10 minutes and ask that I be reminded when I have used that time.

I hope we do not spend an awful lot of time talking about whether or not we have sufficient information from the President of the United States to proceed on this budget. I do not want to spend a long time on it, but I remind